



Paper No. 4

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COPY MAILED**JUL 22 2002****OFFICE OF PETITIONS**

In re Application of :
Mulla et al. :
Application No. 10/043,545 : DECISION GRANTING PETITION
Filed: January 10, 2002 :
Attorney Docket No. 482XB :

This is a decision on the petition filed April 17, 2002 (certificate of mailing April 10, 2002), requesting that pages 25 and 28 of the specification be accorded a filing date of January 10, 2002, as part of the original disclosure.

On January 10, 2002, applicants filed the above-identified application. On February 14, 2002, the Office of Initial Patent Examination mailed a "Notice to File Corrected Application Papers" (Notice), stating that the application had been accorded a filing date of January 10, 2002, and requiring applicants to submit a substitute specification in compliance with 37 CFR 1.52. Additionally, the Notice advised applicants that pages 25 and 28 of the specification appeared to have been omitted.

In response, on April 17, 2002 (certificate of mailing April 10, 2002), applicants filed, inter alia, the present petition, a substitute specification, consisting of 29 pages, and an authorization to charge the Deposit Account for the petition fee. The petition was accompanied by a copy of applicants' postcard receipt acknowledging receipt of 29 pages of specification on January 10, 2002.

In the present petition, applicants requested that the application, including pages 25 and 28 of the specification, be accorded a filing date of January 10, 2002, and the petition fee be refunded.

Upon review of the record, pages 25 and 28 of the specification deposited on January 10, 2002, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on January 10, 2002, included pages 25 and 28, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including pages 25 and 28 of the specification, was complete on filing and entitled to a filing date of January 10, 2002.

Accordingly, the petition is granted.

The requirement for the omitted items was sent in error and is hereby vacated. Accordingly, the petition fee is unnecessary and will be credited to Deposit Account No. 11-1145.

The application file is being forwarded to the Office of Initial Patent Examination for review of the substitute specification and for further processing with a filing date of January 10, 2002, using the substitute specification submitted on April 17, 2002.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

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